

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Caliendo, Jr., et. al.

Art Unit: 2193

Serial No.: 10/642,890 **Withdrawal From Issue**

Examiner: Todd D. Ingberg

Filed: 8/18/2003

Issue Date: July 10, 2007

Title: Method for Providing an Image of Software
Installed on a Computer System

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OFFICE OF PETITIONS

Attorney Docket No.: RPS920030090US1/2860P

JUL 09 2007

OFFICE OF PETITIONS

PETITION TO WITHDRAW FROM ISSUE UNDER 37 CFR §1.313MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition To Withdraw From Issue under 37 CFR 1.313(b)(1). The basis for this petition is due to entry of documents not yet scanned into the Image File Wrapper, specifically, the 1.312 Amendment filed June 11, 2007. Therefore, Applicant's believe that the issued patent due to issue July 10, 2007 will be with significant errors.

The 1.312 Amendment referenced above was approved by Examiner Todd Ingberg, but not yet entered into the Image File Wrapper, nor has it been placed on his docket for signature to date.

In view of the above, Applicant requests that the Petition to Withdraw from Issue be granted and the examination of the application be advanced once again to allowance. The appropriate petition fee under 37 CFR 1.17(h) is submitted herewith.

Accordingly, a Request for Continued Examination and Preliminary Amendment mirroring the amendments made in the 1.312 Amendment is being submitted herewith.

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Should the office need to contact the undersigned for questions regarding the present application, please do so at (650) 475-1435.

Respectfully Submitted,

/JOSEPH A. SAWYER, JR./

Joseph A. Sawyer, Jr.
Attorney For Applicants
Registration No. 30,801

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PTO/SB/17p (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL
 (Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
 P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/642,890
Filing Date	August 18, 2003
First Named Inventor	Neal CALIENDO
Art Unit	2193
Examiner Name	Todd D. Ingberg
Attorney Docket Number	RPS920030090US1/2860P

Enclosed is a petition filed under 37 CFR 1.17(h) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 50-3533.
☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments
 Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ _____ is enclosed.

☒ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

§ 1.36(a) - for revocation of a power of attorney by fewer than all applicants

§ 1.63(e) - to accord a filing date.

§ 1.67(a) - to accord a filing date.

§ 1.182 - for decision on a question not specifically provided for.

§ 1.183 - to suspend the rules.

§ 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.

§ 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

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Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

§ 1.12 - for access to an assignment record.

§ 1.14 - for access to an application.

§ 1.47 - for filing by other than all the inventors or a person not the inventor.

§ 1.69 - for expungement of information.

§ 1.103(a) - to suspend action in an application.

§ 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.

§ 1.295 - for review of refusal to publish a statutory invention registration.

§ 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.

§ 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.

§ 1.650(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.

§ 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.

§ 6.12 - for expedited handling of a foreign filing license.

§ 8.16 - for changing the scope of a license.

§ 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

§ 1.19(g) - to request documents in a form other than that provided in this part.

§ 1.84 - for accepting color drawings or photographs.

§ 1.91 - for entry of a model or exhibit.

§ 1.102(d) - to make an application special.

§ 1.138(c) - to expressly abandon an application to avoid publication.

§ 1.313 - to withdraw an application from issue.

§ 1.314 - to defer issuance of a patent.

/JOSEPH A. SAWYER, JR./

Signature

Joseph A. Sawyer, Jr.

Typed or printed name

July 9, 2007

Date

30,801

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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